

ORDINANCE NO. 2019-1

AN ORDINANCE FOR RESIDENTIAL SWIMMING POOLS HAVING A SIDE WALL DEPTH OF TWENTY-FOUR (24) INCHES OR MORE.

BE IT ORDAINED BY THE CHAIRPERSON AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MALCOLM, NEBRASKA:

Section 1. A new Article 9 shall be added to Chapter 12 of the Village Code as follows:

Article 9. Swimming Pools

12-901 Fence or Enclosure. Any pool within the Village limits having a side wall depth of twenty-four (24) inches or more shall be completely surrounded or enclosed by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension, except for doors and gates. The horizontal dimension between pickets shall not exceed four (4) inches for picket fences. A dwelling house or accessory building may be used as part of the enclosure required by this section.

12-902 Gates and Doors. All gates or door openings through such fence or enclosure shall be equipped with a self-latching gate and/or locks sufficient for keeping the gate or door securely closed at all times when not in actual use. All such gates or doors shall be kept securely closed at all times except when in actual use.

12-903 Duty. It shall be the duty of the owner of the property to ensure the provisions of this Article are satisfied with respect to any pool on their property, provided however it shall be the duty of the occupant of the premises to keep such gates or doors securely closed at all times except when in actual use.

12-904 Penalty. Any person upon whom a duty is placed by the provisions of this article who fails, neglects, or refuses to perform such duty, or who violates any provision hereof, shall be deemed guilty of a misdemeanor and subject to a fine not to exceed one hundred dollars (\$100.00). Each day that a violation of this article continues shall constitute a separate and distinct offense.

Section 2. Code Section 12-801(g) shall be deleted and replaced with the following:

12-801 Fencing Regulations. Fences in all zones of the Village jurisdiction shall conform to the following: . . .

- (g) A fence with a minimum height of four feet and compliant with the terms of this section and sections 12-901 and 12-902 shall be required around public and private swimming pools.

Section 3. All other provisions in Code Chapter 12 shall remain in full force and effect except as revised herein.

PASSED AND APPROVED THIS 2ND DAY OF JANUARY 2019.

David Rohe, Chairperson, Board of Trustees

ATTESTED AND PUBLISHED BY POSTING IN THE VILLAGE HALL, POST OFFICE, AND FIRE STATION PER § 1-405 AND § 1-406 OF THE MALCOLM MUNICIPAL CODE WITHIN FIFTEEN (15) DAYS OF PASSAGE ON JANUARY 2, 2019.

Nadine Link, Village Clerk